

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 05-CR-10102 JLT
)	
v.)	
)	
JOHN BRUENS, MARY STEWART,)	
MELISSA VAUGHN, and)	
MARC SIROCKMAN,)	
)	
Defendants.)	
)	

**DEFENDANTS' JOINT MOTION
TO STRIKE THE SURPLUSAGE IN THE INDICTMENT**

Defendants John Bruens, Mary Stewart, Melissa Vaughn, and Marc Sirockman (collectively, "Defendants") hereby move this Court, pursuant to Fed. R. Crim. P. 7(d), for an Order directing that the surplusage in the Indictment be struck. The grounds for this motion are set forth in the accompanying Memorandum of Law in Support of Defendants' Joint Motion to Strike the Surplusage in the Indictment.

Respectfully submitted,

JOHN BRUENS, MARY STEWART,
MELISSA VAUGHN, and MARC SIROCKMAN
by their undersigned attorneys:

/s/ Thomas McC. Souther
Thomas McC. Souther, Esq.
(admitted *pro hac vice*)
Roger J. Hawke, Esq.
(admitted *pro hac vice*)
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, New York 10019
(212) 839-5300

Counsel for John Bruens

/s/ Mark Berman
Mark A. Berman, Esq.
(admitted *pro hac vice*)
Robert G. Marasco, Esq.
GIBBONS, DEL DEO, DOLAN,
GRIFFINGER & VECCHIONE, P.C.
One Riverfront Plaza
Newark, New Jersey 07102
(973) 596-4500

Counsel for Mary Stewart

/s/ Adam Hoffinger
Adam Hoffinger, Esq.
(admitted *pro hac vice*)
James M. Sullivan, Esq.
(admitted *pro hac vice*)
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20008-1888
(202) 887-1500

Counsel for Melissa Vaughn

/s/ Tracy A. Miner
Tracy A. Miner, Esq. BBO # 547137
McKenzie E. Webster, Esq. BBO #651204
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY & POPEO, P.C.
One Financial Center
Boston, Massachusetts 02110
(617) 542-6000

Counsel for Marc Sirockman

Dated: September 19, 2006

CERTIFICATE OF SERVICE

I hereby certify that Defendants' Joint Motion to Strike the Surplusage in the Indictment and the accompanying Memorandum of Law in Support thereof, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 19, 2006.

/s/ Catherine B. Winter